

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|---------------------------------------|---|------------------------|
| JAMES T. SULLIVAN, etc., |) | |
| |) | No. 07 C 4437 |
| |) | |
| |) | Judge Hart |
| v. |) | |
| Plaintiff, |) | Magistrate Judge Brown |
| |) | |
| ARROYO PLUMBING INCORPORATED, et al., |) | |
| |) | |
| Defendants. |) | |

MOTION FOR ENTRY OF JUDGMENT

Plaintiff, JAMES T. SULLIVAN, etc., by his attorneys, DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, and LISA M. SIMIONI, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, moves the Court to enter Judgment in favor of Plaintiff and against Defendants, ARROYO PLUMBING INCORPORATED, and MISAEEL ARROYO INCORPORATED.

In support of this Motion, Plaintiff states:

1. Plaintiff filed this action on August 7, 2007, seeking judgment against Defendants for an accounting, monthly reporting, and payment of unpaid contributions and other damages under Defendants' collective bargaining agreement with Chicago Journeymen Plumbers' Union Local 130, U.A. ("Union"), pursuant to ERISA, 29 U.S.C. §§1132 and 1145, and LMRA, 29 U.S.C. §185.
2. Defendants were served with process on August 19, 2007. True and correct copies of the Returns of Service are attached hereto as Exhibit A.
3. Defendants were required to appear and answer on or before September 10, 2007.

4. Defendants have not yet filed an appearance or answer, and are in default.
5. Plaintiff requests that the Court enter the draft Order attached hereto as Exhibit B.

WHEREFORE, Plaintiff, JAMES T. SULLIVAN, etc., requests the Court to enter Judgment in favor of Plaintiff and against Defendants, ARROYO PLUMBING INCORPORATED, and MISAEAL ARROYO d/b/a ARROYO PLUMBING INCORPORATED, providing the following:

- a. Requiring that, within 21 days of entry of judgment, Defendants submit to auditors designated by Plaintiff all books, records, and other information that such auditors may reasonably request for the purpose of an audit verifying Defendants' compliance with its contribution and other obligations under its collective bargaining agreement with Union during the period from April 1, 2004, to the present;
- b. Enjoining and ordering Defendants to fully complete and submit to Union within 21 days of entry of judgment all delinquent monthly contribution reports, and to continue to timely submit such reports while this action is pending and in the future;
- c. Retaining jurisdiction to enforce the provisions of such judgment and to enter supplemental judgment(s) in favor of Plaintiff and against Defendants for all unpaid contributions and other amounts shown to be due and owing under the collective bargaining agreement, ERISA, and/or LMRA, including but not limited to interest, liquidated damages, audit costs, attorneys' fees, and court costs; and
- d. Awarding in favor of Plaintiff and against Defendants such other and further relief as the Court deems just and equitable.

Of Counsel:
LEWIS, OVERBECK & FURMAN, LLP
20 N. Clark Street, Suite 3200
Chicago, IL 60602-5093
312-580-1200

JAMES T. SULLIVAN, etc., by his
attorneys, DOUGLAS A. LINDSAY, JOHN
W. LOSEMAN, and LISA M. SIMIONI

By: 

Lisa M. Simioni.
20 N. Clark Street
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Chicago, IL 60602-5093
312-580-1248

PROOF OF SERVICE

CHRISTINE USYAK, being first duly sworn on oath, deposes and says that she served a copy of the foregoing MOTION FOR DEFAULT JUDGMENT upon:

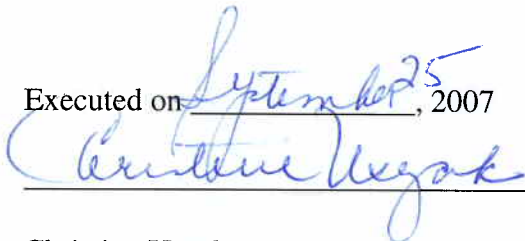
Arroyo Plumbing, Incorporated
c/o Its Registered Agent, Lori A. Arroyo
1133 Four Seasons Lane
Bolingbrook, IL 60440

Misael Arroyo d/b/a Arroyo Plumbing, Incorporated
1133 Four Seasons Lane
Bolingbrook, IL 60440

by placing a true and correct copy thereof in a sealed envelope addressed as aforesaid, with postage prepaid, and depositing same in the United States Mail Box at 20 North Clark Street, Chicago, IL on September 25, 2007, before 4:30 p.m.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 25, 2007



Christine Usyak

Of Counsel:
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